



## ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

**1 Jasmin Briannah Gayer McCray-Guardianship Case No. 00CEPR10317**

Petitioner Gayer, Melissa (Pro Per – Mother – Petitioner)

Guardian Gayer (Rouse), Debra A. (Pro Per – Maternal Grandmother – Guardian)

**Petition for Termination of Guardianship**

		See petition for details.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <u>Minute Order 3/24/16:</u> Melissa Gayer asked for permission to drug test. Ms. Gayer is allowed to test at her own expense and submit the test to the court. The Court investigator will check into Jasmin's request about school.  <u>Note:</u> A Petition for Guardianship was filed 4/28/16 by Norman Gayer, Maternal Great-Grandfather, and is set for 7/5/16. (Both parents and the paternal grandfather consent to his appointment.)  The following issues remain noted in connection with this petition for termination filed by Melissa Gayer, Mother:  1. Need Notice of Hearing.  2. Need proof of service of Notice of Hearing at least 15 days prior to the hearing per Probate Code §1460(b)(5) on: - Jasmin McCray (Minor) - Debra Gayer (Rouse) (Guardian) - Anton McCray (Father) - Paternal Grandfather - Paternal Grandmother - Maternal Grandfather - Siblings age 12 and older	
Cont'd from 032416				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg			X
	Aff.Mail			X
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
✓	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
Reviewed by: skc				
Reviewed on: 4/29/16				
Updates:				
Recommendation:				
File 1- McCray				

**Macario Bejarano, Aliyah Bejarano, Case No. 10CEPR00774  
Nathan Ceja, Jesse Bravo, and Katalina Bravo (GUARD/P)**

Petitioner Ceja, Martin (Pro Per – Great Uncle – Petitioner)  
Petitioner Ceja, Chrisy (Pro Per – Great Aunt – Petitioner)

**Petition for Appointment of Guardian of the Person**

		See petition for details.	NEEDS/PROBLEMS/COMMENTS:
Cont. from 020416, 031716			<b>Note:</b> This petition pertains to Jesse and Katalina only. Guardianship of Macario and Aliyah was previously granted to Mary Lopez Hernandez on 12/7/10. Petition for guardianship of Nathan dismissed 2/4/16.
	Aff.Sub.Wit.		
✓	Verified		<b>Minute Order 3/17/16:</b> Examiner notes provided in open court. The Court grants temporary orders as to Jesse and Katalina only to preserve the status quo.
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg	x	As of 4/29/16, the following issues remain:
	Aff.Mail	x	1. Need Notice of Hearing.
	Aff.Pub.		2. Need proof of personal service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing per Probate Code §1511 <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence on:
	Sp.Ntc.		- Alex Bravo (Father)
	Pers.Serv.	x	- Cecilia Ceja (Mother)
✓	Conf. Screen		3. Need proof of service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing per Probate Code §1511 <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence on:
✓	Letters		- Paternal Grandfather
✓	Duties/Supp		- Paternal Grandmother
	Objections		- Martin Ceja (Maternal Grandfather)
	Video Receipt		- Virginia Rangel (Maternal Grandmother)
✓	CI Report		- Macario Bejarano (sibling)
✓	Clearances		- Mary Lopez Hernandez (Guardian of Macario)
✓	Order		Reviewed by: skc
	Aff. Posting		Reviewed on: 4/29/16
	Status Rpt		Updates:
✓	UCCJEA		Recommendation:
	Citation		File 4- Bejarano & Ceja
	FTB Notice		

**First Report of Executor on Waiver of Account and Petition for its Settlement, For Allowance of Compensation to Attorneys for Ordinary and Extraordinary Services and for Final Distribution**

Age:			NEEDS/PROBLEMS/COMMENTS:  <u><b>CONTINUED TO 6/9/16</b></u> Per attorney request
DOD:			
Cont. from			
	Aff.Sub.Wit.		
	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
Reviewed by: skc			
Reviewed on: 4/28/16			
Updates:			
Recommendation:			
File 6- Forestiere			

Attorney Deborah K. Boyett (for Petitioner Ermeline Becker)  
 Attorney Lisa Horton (Court-appointed for Conservatee)

**Probate Status Hearing Re: Proof of Distribution of Conservatorship Estate  
 Assets to Successor Trustee**

		<p><b>ERMELINDE BECKER</b>, sister, Conservator of the Person and Estate, and Successor Trustee of the <b>DOROTHEA STANTON TRUST dated 9/17/2002</b>, filed a <i>First Account and Report of Conservator; Petition for Order Authorizing Proposed Action: (1) Transfer of Property to a Trust Created by the Conservatee, and (2) Termination of Conservatorship of the Estate; and Petition for Allowance of Fees to Attorney for Conservator</i> on 12/30/2015.</p> <p><b>Minute Order dated 2/17/2016</b> from the hearing on the petition indicates the petition is taken under submission; the matter is set for status hearing on 3/24/2016 for proof of distribution of Conservatorship Estate assets to the Successor Trustee.</p> <p><b>Order Settling First Account and Report of Conservator; Transfer of Property to a Trust Created by the Conservatee; Termination of Conservatorship Estate; and Allowance of Fees to Attorney for Conservator filed 3/23/2016</b> authorizes the Conservator to transfer all of the assets of the Conservatorship Estate to the Trustee of the <b>DOROTHEA STANTON LIVING TRUST Dated September 17, 2002</b>.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Continued from 3/24/2016.</b> Minute Order states the First Account petition is taken out from under submission. A copy of the order is given to Ms. Boyett.</p> <p>1. Need proof of distribution of Conservatorship Estate assets to the Successor Trustee of the <b>DOROTHEA STANTON LIVING TRUST</b>, or verified status report pursuant to Probate Code § 12200, and proof of service of notice of the status hearing pursuant to Local Rule 7.5(B).</p>
<b>Cont. from 032416</b>			
<b>Aff.Sub.Wit.</b>			
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<b>Inventory</b>			
<b>PTC</b>			
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<b>Notice of Hrg</b>			
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<b>Sp.Ntc.</b>			
<b>Pers.Serv.</b>			
<b>Conf. Screen</b>			
<b>Letters</b>			
<b>Duties/Supp</b>			
<b>Objections</b>			
<b>Video Receipt</b>			
<b>CI Report</b>			
<b>9202</b>			
<b>Order</b>			
<b>Aff. Posting</b>			
<b>Status Rpt</b>			
<b>UCCJEA</b>			
<b>Citation</b>			
<b>FTB Notice</b>			
		<p><b>Reviewed by:</b> LEG</p> <p><b>Reviewed on:</b> 5/2/16</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 8- Stanton</b></p>	

**Probate Status Hearing RE: Filing of the Inventory and Appraisal**

<b>DOD: 1/23/15</b>	<b>BRUCE BICKEL</b> was appointed Administrator with Full IAEA with bond of \$215,000.00 on 9/23/15.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Continued from 4/25/16</b>  <b>1. Need Inventory and Appraisal per Probate Code §8800 or current written status report per Local Rule 7.5.</b>
<b>Cont'd from 022516</b>	Bond was filed 10/6/15 and Letters issued 10/9/15.	
<b>Aff.Sub.Wit.</b>	At the hearing on 9/23/15, the Court set this status hearing for the filing of the Inventory and Appraisal.	
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>	<b>Status Report filed 2/24/16 states</b> the decedent's conservatorship action Case No. 0237515 which currently holds possession of the assets has not yet concluded. The Second and Final Account is scheduled for hearing on 3/1/16, which petition asks that the assets be delivered to the administrator of the estate. The Administrator has not yet filed an Inventory and Appraisal because the assets have not come into this estate.	
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
		<b>Reviewed by:</b> skc
		<b>Reviewed on:</b> 4/29/16
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 9- Inman</b>

**10 Gregg D. Rendino (Estate)****Case No. 15CEPR00485****Attorney Hall, Christopher S. (for Christina F. Rendino – Petitioner – Administrator)****First and Final Report of Administrator, and Petition for Its Settlement, for Allowance of Attorneys' Statutory Fees, and for Final Distribution of Estate on Waiver of Account**

<b>DOD: 09/23/2014</b>		<p><b>CHRISTINA F. RENDINO</b>, spouse, was appointed Administrator with Limited IAEA authority, is petitioner.</p> <p>Accounting is waived</p> <p>I&amp;A - <b>\$131,608.94</b>          POH - <b>\$141,485.49</b>          (\$21,485.49 is Cash)</p> <p>Executor – <b>Waives</b></p> <p>Attorney - <b>\$4,436.00</b> (\$4,948 is statutory Attorney has agreed to take \$512 less)</p> <p>Costs - <b>\$900.50</b> (Certified copies, Filing Fee, Publication)</p> <p><b>Distribution, pursuant to intestate succession and right of assignment, is to:</b></p> <p>Christina F. Rendino - \$16,148.99; Real property located at 5090 N. Roosevelt Ave. #6, Fresno, Ca. and 36532 Franklin Ave., Madera, Ca.</p> <p><b>Declaration of Pete Musto Re Location of Potential Heirs and Service of Notice of Hearing</b> filed 04/12/2016 states Mercedes Rendino did not leave surviving issue. She did not leave surviving siblings, but left the children of one of her predeceased brothers as her heirs, who are her nephews, namely Arthur G. Pimentel and Kevin L. Pimentel.</p> <p><b>Please see additional page</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Minute Order of 03/24/2016: All potential heirs need to be noticed. All documents need to be filed two days before the hearing.</b></p>
<b>Cont. from 032416</b>			
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>		
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<input checked="" type="checkbox"/>	<b>Not.Cred.</b>		
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<input checked="" type="checkbox"/>	<b>Letters</b> 10/06/15		
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input checked="" type="checkbox"/>	<b>9202</b>		
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<input checked="" type="checkbox"/>	<b>FTB Notice</b>		

<b>Reviewed by:</b> LV
<b>Reviewed on:</b> 05/03/2016
<b>Updates:</b>
<b>Recommendation:</b>
<b>File 10- Rendino</b>

**Declaration continued from previous page:** Though neither Mercedes nor Christina Rendino had contact with Mercedes' nephews in over 15 years, Christina recalled significant information such that the attorneys were able to locate the nephews using their in house Westlaw Public Records/People Find Database. Based upon the findings Notice of Hearing of the May 5 hearing was executed and filed in this proceedings.

**Declaration of Joseph J. Doerr Regarding Circumstances Surrounding Execution of Durable Power of Attorney by Mercedes Rendino**, filed 04/26/2016 states on or about December 16, 2014, Mr. Doerr met with Ms. Mercedes Rendino in Fresno, Ca. At that time Mercedes resided in a senior assisted living facility that was located in a private home. The purpose of the meeting was to have Mercedes execute a power of attorney in favor of her daughter in law, Ms. Christina Rendino.

It was Mr. Doerr's understanding that prior to Mr. Gregg Rendino's death, Gregg held power of attorney for Mercedes. Gregg was Mercedes' only living child and the husband of Christina. As Gregg had handled Mercedes' financial affairs for some time, it was critical to have someone appointed as power of attorney for Mercedes as she was unaccustomed to handling any such matters on her own at such a point in her life. Additionally, certain financial paperwork needed to be submitted on Mercedes' behalf to the US Department of Veteran's Affairs. This paperwork was required to maintain funds Mercedes received from the US Department of Veteran's Affairs. Mr. Doerr spoke to several representatives with the US Department of Veteran's Affairs and they told him that an executed power of attorney for Mercedes was needed for the person who was going to submit the required paperwork.

Mr. Doerr states that Christina accompanied him to the meeting with Mercedes on December 16, 2014. When they arrived, both Christina and Mr. Doerr spoke with Mercedes. Mr. Doerr engaged in conversation such as the holidays, his children and other non-legal matters in order to gauge Mercedes' capacity. Nothing indicated that Mercedes did not have the capacity to execute a power of attorney. Afterwards they discussed Gregg's passing and how Mr. Doerr was assisting in sorting out his affairs. Mercedes expressed disappointment that Gregg's property would not all go to Christina without having to go to Court. Then they discussed the power of attorney situation. Mr. Doerr asked Mercedes who she wanted to be her power of attorney in place of Gregg. Mercedes stated she wanted Christina to be her power of attorney. Mercedes went on to tell Mr. Doerr how much Gregg and Christina had done for her and how Christina continues to do so much for her and how grateful Mercedes was to have Christina now that Gregg was gone. Mercedes stated there was no other relatives or friends who cared for her other than Gregg and Christina.

After ten or fifteen minutes discussing such things, Mr. Doerr asked Christina to step away so that she could speak with Mercedes alone. Mr. Doerr spoke to Mercedes for about fifteen minutes. Mr. Doerr asked very specific questions about what power she wanted Christina to have over her affairs. Mercedes stated she wanted Christina to have complete control including making estate planning decisions. Mercedes stated several times she wanted Christina to have over "everything" since Gregg was deceased. In fact, Mercedes thought that Christina would inherit all her property because she believed Christina was entitled to all of Gregg's property and Mercedes was giving everything to Gregg in her will. Mr. Doerr told Mercedes that he would need to review her will to see if Christina would inherit her property in light of Gregg's passing. During the private conversation with Mercedes, Mercedes repeated several times that Christina was a daughter to her and she wanted her to have "everything" that would have been for Gregg.

**Please see additional page**



After that, Mr. Doerr had Christina rejoin the conversation. They went over the power of attorney details again. Mercedes told Christina that she wanted Christina to have all the power enumerated in the power of attorney. Mercedes told Christina she wanted Christina she wanted Christina to have all her property. Mr. Doerr told Mercedes he would look inter her estate plan after they squared away the power of attorney and Gregg's affairs. Then Mr. Doerr had Mercedes execute the power of attorney appointing Christina as Agent.

Based on the entire conversation with Mercedes, Mr. Doerr did not at any point believe Mercedes did not have mental capacity to execute the power of attorney. In fact, Mercedes understood why she was signing it and what power she gave Christina. Mr. Doerr also explained to Mercedes and she understood that the power of attorney would be effective immediately and would be fully operational even if Mercedes later became incapacitated.

Probate Status Hearing RE: Filing of the Inventory and Appraisal

<b>DOD: 7/15/15</b>		<p><b>GIULIANO DICICCO</b> was appointed Executor with Limited IAEA without bond on 10/29/15.</p> <p>At the hearing on 10/29/15, the Court set this status hearing for the filing of the Inventory and Appraisal.</p> <p>A <u>partial</u> I&amp;A was filed 2/22/16. A Final I&amp;A has not yet been filed.</p> <p>The <u>Final</u> I&amp;A was filed 5/2/16.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Minute Order 3/24/16:</b>  <b>NO APPEARANCES.</b> The Court issues an Order to Show Cause to Edward Ramirez for failure to appear. Also the Court issues an Order to Show Cause to Ciuviano Dickey as to why he should not be removed as executor for failure to file the Inventory and Appraisal. Mr. Dickey is ordered to be personally present in court or appear via CourtCall on 5/5/16.</p> <p>See Page B (Order to Show Cause).</p> <p><b>Note:</b> The Final I&amp;A was filed 5/2/16. This matter was not taken off calendar due to the OSC at Page B.</p>
<b>Cont'd from 032416</b>			
<b>Aff.Sub.Wit.</b>			
<b>Verified</b>			
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<b>PTC</b>			
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<b>Notice of Hrg</b>			
<b>Aff.Mail</b>			
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<b>Video Receipt</b>			
<b>CI Report</b>			
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<b>Order</b>			
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<b>Status Rpt</b>			
<b>UCCJEA</b>			
<b>Citation</b>			
<b>FTB Notice</b>			

<b>Reviewed by:</b> skc
<b>Reviewed on:</b> 4/29/16
<b>Updates:</b> 5/2/16
<b>Recommendation:</b>
<b>File 11A- Stamoulis</b>

## Order to Show Cause

<b>DOD: 7/15/15</b>		<b>GIULIANO DICICCO</b> was appointed Executor with Limited IAEA without bond on 10/29/15.  At the hearing on 10/29/15, the Court set this status hearing for the filing of the Inventory and Appraisal.  A <u>partial</u> I&A was filed 2/22/16. A Final I&A has not yet been filed.  On 3/24/16, there were no appearances at the status hearing and the Court set this Order to Show Cause as to Edward Ramirez for failure to appear and as to Giuliano DiCicco as to why he should not be removed as executor for failure to file the Inventory and Appraisal.  <b>Declaration of Edward R. Ramirez filed 4/25/16 states</b> he filed a completed Inventory and Appraisal, properly signed by Executor Giuliano DiCicco, on 2/22/16 (see attached). It was Mr. Ramirez' understanding that once the Inventory and Appraisal was filed, the status hearing would automatically come off calendar. Mr. Ramirez apologizes for his misunderstanding as he went back to read the local rule, and should have also filed the notice of filing, which he failed to do. Mr. Ramirez states the Executor thought that he had complied with the Court's order based on the attorney's representations. Mr. Ramirez offers his sincere apologies to the Court.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <u>Note:</u> Final I&A was filed 5/2/16.
<b>Aff.Sub.Wit.</b>			
<b>Verified</b>			
<b>Inventory</b>			
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<b>CI Report</b>			
<b>9202</b>			
<b>Order</b>			
<b>Aff. Posting</b>			
<b>Status Rpt</b>			
<b>UCCJEA</b>			
<b>Citation</b>			
<b>FTB Notice</b>			

Probate Status Hearing RE: Filing of the Inventory and Appraisal

<b>DOD: 3/15/15</b>		<b>FRESNO COUNTY PUBLIC ADMINISTRATOR</b> was appointed Administrator with Full IAEA on 12/3/15.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <u>Note:</u> The petition for probate was originally filed by Mennonite Brethren Homes, Inc., a creditor, with an estimated estate value of \$0. Mennonite Brethren Homes, Inc., requested that the Public Administrator be appointed, and has now filed a Creditor's Claim in the amount of \$11,027.97 on 3/10/16 for the decedent's Medi-Cal share of cost for his time in the skilled nursing facility at Palm Village Retirement Community's Health Care Center.
		At the hearing on 12/3/16, the Court set this status hearing for the filing of an Inventory and Appraisal.	1. Need Inventory and Appraisal per Probate Code §8800 or written status report per Local Rule 7.5.
<b>Cont. from</b>			
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
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<input type="checkbox"/>	<b>Inventory</b>		
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<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		
			<b>Reviewed by:</b> skc
			<b>Reviewed on:</b> 5/2/16
			<b>Updates:</b>
			<b>Recommendation:</b>
			<b>File 13- Thorpe</b>

**Andrea Chavarria, Maria Espinoza,  
Betzaida Delgado, Monica Rodriguez,  
Yesenia Rodriguez, and Rene Balladares (GUARD/P)**  
Petitioner Munguia, Maribel (Pro Per – Maternal Grandmother – Petitioner)  
Petition for Appointment of Guardian of the Person

		See petition for details.	<b>NEEDS/PROBLEMS/ COMMENTS:</b>  <u>Minute Order 3/17/16:</u> The Court finds due diligence and dispenses with notice as to the paternal grandparents of Maria. The matter is continued for service as to Jorge Cuevas and his parents (paternal grandparents of Betzaida). The Court grants temporary orders to preserve the status quo; Letters are to issue forthwith.  The following issues remain noted:  1. If diligence is not found, need proof of <u>personal</u> service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing per Probate Code §1511 <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence on: - Jorge Cuevas (Father of Betzaida)  2. Need proof of service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing per Probate Code §1511 <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence on: - Paternal Grandparents of Maria (Dec of Due Diligence filed 3/16/16) - Paternal Grandparents of Betzaida (See note below)  <u>Note:</u> It appears notice was sent to a Rogelio Cuevas and Esperanza Prado, but it is unclear who these people are. Are these the paternal grandparents of Betzaida?	
Cont. from 010516, 020916, 031716				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
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<input checked="" type="checkbox"/>	Letters			
<input checked="" type="checkbox"/>	Duties/Supp			
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<input type="checkbox"/>	Video Receipt			
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<input checked="" type="checkbox"/>	Clearances			
<input checked="" type="checkbox"/>	Order			
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<input type="checkbox"/>	Status Rpt			
<input checked="" type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
Reviewed by: skc Reviewed on: 4/29/16 Updates: Recommendation: File 14- Chavarria, Espinoza, Delgado, Rodriguez, Balladares				

Attorney Leigh W. Burnside (Petitioner; and for Petitioners DeeAnn Doyle Summers and John Doyle)

Attorney Jeffrey A. Jaech (for Objector Christina Fishinghawk)

### Petition for Attorney's Fees and Costs

		<p><b>DEEANN DOYLE SUMMERS</b>, daughter, <b>JOHN DOYLE</b>, son, and <b>LEIGH W. BURNSIDE</b> on behalf of <b>DOWLING AARON</b>, are Petitioners.</p> <p><b>Petitioners state:</b></p> <ul style="list-style-type: none"> <li><b>DEEANN DOYLE SUMMERS</b> and <b>JOHN DOYLE</b> petitioned for the appointment of the <b>PUBLIC GUARDIAN</b> as temporary and permanent Conservator of the Person and Estate of the Conservatee;</li> <li><b>DOWLING AARON</b> is the attorney who represented Ms. Summers and Mr. Doyle in petitioning the Court for appointment;</li> <li>As a result of the efforts of Petitioners, the <b>PUBLIC GUARDIAN</b> was appointed temporary Conservator and subsequently permanent Conservator of the Person and Estate of the Conservatee [on 12/17/2015], and is the duly appointed, qualified and acting Conservator of the Person and Estate of the Conservatee;</li> <li>In a related proceeding, <i>James Doyle, Jr. Trust</i>, Case 15CEPR01158, <b>MARION AUSTIN</b> of Central Valley Fiduciary Services was appointed sole successor Trustee of the Trust on 12/10/2015; Conservatee is the sole Settlor of the Trust;</li> <li>Petitioners sought the appointment of a successor trustee of the Trust after the acting co-trustees had resigned and there was no one in place to administer the Trust estate for the benefit of the Conservatee;</li> <li>Attorney has performed legal services on behalf of Petitioners Summers and Doyle from <b>3/4/2015 through 12/11/2015</b>; services are itemized by date in the <i>Declaration</i> of Ms. Burnside filed 2/24/2016, and include conferring with the clients and Public Guardian, investigating Conservatee's needs, review of Conservatee's estate plan, review and draft of documents, and court appearances;</li> </ul> <p align="center"><b>~Please see additional page~</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Page 16</b> is the related <b>General Durable Power of Attorney of A. James Doyle, Jr.</b>, Case 15CEPR01071.</p> <p><b>Page 17</b> is the related <b>A. James Doyle, Jr., Trust</b>, Case 15CEPR01158.</p> <p><b>Continued from 4/7/2016.</b> Minute Order states counsel has agreed to continue this matter to 5/5/2016, with due dates of 4/22 for points and authorities, and any reply being due by 5/2/2016.</p> <p><b>Note:</b> File contains two alternative proposed orders: one order authorizes the payment of the attorney fees and costs and reimbursement from the Conservatorship Estate; the alternative order authorizes the payment from the Trustee of the <i>A. James Doyle, Jr. Trust</i> dated 4/19/2004, as amended.</p>	
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✓	Verified			
	Inventory			
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	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
		<p><b>Reviewed by:</b> LEG</p> <p><b>Reviewed on:</b> 5/2/16</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 15- Doyle</b></p>		

**Petitioners request:**

- The Court award attorneys' fees to **DOWLING AARON** in the total amount of **\$8,222.00** for services rendered, consisting of **\$7,615.00** in attorneys' fees and **\$607.00** in costs (total fees of **\$10,142.00**, less the **\$2,527.00** paid by Ms. Summers, noted below);
- The Court allow reimbursement to Ms. Summers for out-of-pocket costs related to this conservatorship proceeding, including attorney fees paid by Ms. Summers to **DOWLING AARON** of **\$2,527.00**, and **\$435.00** for filing fees, for a total of **\$2,962.00** as described in the *Declaration* of Ms. Summers filed 2/24/2016.

**Opposition to Petition for Attorney's Fees and Costs filed by CHRISTINA FISHINGHAWK, daughter, on 4/6/2016 states** she objects to Petitioners' *Petition for Attorney's Fees and Costs* based upon the following:

- Petitioners have requested payment from the Conservatee's estate for their attorneys' fees and costs "pursuant to Probate Code § 2642;" however, that section allows compensation for an attorney only for services rendered to the Conservator (section 2642(a));
- Specifically the statute provides that "an attorney who has rendered legal services to the guardian or conservator of the person or estate or both, including services rendered under section 2632, may petition the court for an order fixing and allowing compensation for such services rendered to that time;"
- The Public Guardian was requested by Petitioners and appointed by the Court to serve as temporary and general conservator for the Conservatee, A. James Doyle, Jr.;
- As Petitioners are not, and never have been, the conservator of the Conservatee's person or estate, the *Petition for Attorney's Fees and Costs* under Probate Code § 2642 is improper;
- Objector requests that this Court deny the Petitioners' *Petition for Attorney's Fees and Costs* in its entirety.

**Reply to Opposition to Petition for Attorney's Fees and Costs filed by DEEANN DOYLE SUMMERS and JOHN DOYLE on 4/6/2016 states:**

- The sum and substance of the filed Opposition to the requested payment of attorney's fees and costs to Dowling Aaron and reimbursement to Petitioner DeeAnn Doyle Summers for attorney's fees and costs that she paid directly to Dowling Aaron is that such request is brought pursuant to Probate Code section on 2642(a) and Dowling Aaron is not the attorney of record for the current acting Conservator, the Fresno County Public Guardian;
- Objector's opposition is misplaced and the Petition For Attorney's Fees and Cost should be granted as requested;
- As a result of the efforts of Petitioners, over an objection filed by Objector, the Fresno County Public Guardian was appointed temporary Conservator and subsequently the permanent Conservator of the Person and Estate of the Conservatee, and is the duly appointed, qualified and acting Conservator of the Person and Estate of the Conservatee;
- The Petitioners' success in this regard fulfills the public policy to safeguard the welfare and best interests of the Conservatee and is compensable under the law;
- Moreover, to deny to Petitioners the necessary attorney's fees and costs incurred in pursuing the successful appointment of a third party Conservator would have an undesired and chilling effect in the future of those individuals willing to pursue legal recourse for the protection of society's most vulnerable populations;

**~Please see additional page~**

**Reply filed by DEEANN DOYLE SUMMERS and JOHN DOYLE on 4/6/2016, continued:**

- Though Dowling Aaron was not retained by the Fresno County Public Guardian for the purpose of pursuing a petition for the appointment of a probate conservator, the case of *In Re Estate of Moore*, in construing the predecessor statute to Probate Code 2642(a) found that "the same procedure [for applying for fees pursuant to section 2642(a)] may be followed when the services have been indirectly rendered." (*In re Estate of Moore* (1968) 258 Cal.App.2d 458, 464; *emphasis supplied*.) That procedure has been followed by the Petitioners.
- Moreover, such fees would have been incurred by the Fresno County Counsel, had the petition been filed by the Fresno County Public Guardian, as it is requested to do regularly. In either respect, the Conservatee has reaped the benefit of having his interests safeguarded and protected by the establishment of a Conservatorship for his benefit, and compensation for such efforts incurred by Dowling Aaron is appropriate and warranted under the law.

**Petitioners respectfully request that the Court enter an Order granting the Petition for Attorney's Fees and Costs.**

***Memorandum of Points and Authorities in Support of Reply to Opposition to Petition for Attorney's Fees and Costs filed by DEEANN DOYLE SUMMERS and JOHN DOYLE on 5/2/2016 states [citations and legal argument omitted]:***

- Petitioners successfully sought the appointment of a third party to serve as the temporary and permanent Conservator of the Person and Estate of the Conservatee;
- The Public Guardian was appointed temporary Conservator and, over Objector's filed Objection, it was subsequently appointed as the permanent Conservator of the Estate of the Conservatee;
- Objector argues that the conservatorship is unnecessary, because the proposed Conservatee has executed a durable power of attorney and advance healthcare directive; (Respondent's Points and Authorities, 3:16-18); Objector's argument is tantamount to closing the barn door after the horses have fled; Court has already ruled on the merits of the Petition for Appointment of Probate Conservator;
- Petitioners have demonstrated that there was a good faith basis for the attorney's fees incurred in successfully pursuing the conservatorship proceedings on behalf of Mr. Doyle as demonstrated by the Court's granting of the Petition for Appointment of Probate Conservator;
- The Conservatee has reaped the benefit of having his interests safeguarded protected by the establishment of a Conservatorship for his benefit; compensation for efforts incurred by Dowling Aaron is appropriate and warranted under the law.



Attorney  
AttorneyJaech, Jeffrey A. (for Christina Fishinghawk)  
Burnside, Leigh W. (for DeeAnn Doyle Summers and John Doyle – Objectors)Account and Report of Attorney-in-Fact and Petition for Approval of Attorney-in-Fact's  
Acts, and for Attorneys' Fees of Attorney-in-Fact

		<p><b>CHRISTINA FISHINGHAWK</b>, Respondent, filed this accounting in response to a petition by <b>DEEANN DOYLE SUMMERS and JOHN DOYLE</b>. (See Minute Order 12/10/15.)</p> <p><b>Account period: 7/17/13 – 12/10/15</b></p> <p>Accounting: \$716,741.76 Beginning POH: \$186,562.35 Ending POH: \$ 507.14</p> <p><b>Respondent states</b> she was appointed as attorney in fact under the General Statutory Durable Power of Attorney executed by A. James Doyle, Jr., (the Principal) on 11/29/12. See Exhibit A.</p> <p>About 5/14/14, A. James Doyle, Jr., executed a new General Durable Power of Attorney appointing Respondent <b>RICHARD DOYLE and THOMAS BORCHARDT</b> as co-attorneys-in-fact. See Exhibit B.</p> <p>In 2004, the Principal had executed a Durable Power of Attorney naming Petitioner <b>DEEANN DOYLE SUMMERS</b> as his agent, and this power of attorney was presumable in effect until the Principal appointed Respondent in 2012.</p> <p><b>DEEANN DOYLE SUMMERS and JOHN ("JACK") DOYLE</b>, Respondent's siblings, filed a Petition to Compel Attorney-in-Fact to Account and Report; for Immediate Suspension of Authority to Act; for Revocation of Power of Attorney; and for Surcharge on or about 10/27/15. Under this Court's order of 12/16/15, Respondent's authority under the powers of attorney was suspended and Respondent was ordered to file this account.</p> <p style="text-align: center;"><b><u>SEE ADDITIONAL PAGES</u></b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>Continued from 3/24/16.</p> <p><b>Note:</b> The following three matters are related: Page 15: 15CEPR01070 (Conservatorship) Page 16: 15CEPR01071 (DPOA) Page 17: 15CEPR01158 (Trust)</p> <p><b>Note:</b> Petition to Approve First and Final Account of Thomas Borchardt and Richard Doyle in their capacity as attorney in fact filed 4/27/16 is set for hearing on 6/8/16.</p>	
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	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
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	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
✓	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			

Reviewed by: skc
Reviewed on: 5/2/16
Updates:
Recommendation:
File 16- Doyle

**Respondent states:** The Fresno County Public Guardian was appointed as Temporary Conservator of the estate of the Principal on 10/30/15 and as the general conservator of the person and estate of the Principal on 12/16/15.

Respondent was ordered to account and report her activities as agent and co-attorney-in-fact commencing 1/1/09 through 12/16/15, including but not limited to all monies held in various Bank of America accounts:

- a. Checking xx3941
- b. Money Market Savings xx3966
- c. Money Market Savings xx4334
- d. Money Market Savings xx9761
- e. Checking xx5779 (trust account)

However, Respondent was not appointed as the attorney-in-fact until 11/29/12 and did not start acting as attorney in fact until approx. 7/17/13, after the Principal aided by **RICHARD DOYLE** opened the above-referenced accounts. Therefore, this accounting begins on 7/17/13. Note: One of the accounts was a trust account and so is not included in this accounting.

Respondent states she had authority to transact business in the Principal's accounts, but did not have exclusive authority or access. The Principal sometimes made transactions on his own or with assistance from someone else, usually without Respondent's contemporaneous knowledge. For example on 1/8/15, Respondent is informed and believes that **JOHN DOYLE** accompanied the Principal to the bank to effect transfers totaling more than \$332,000 from three accounts to a different account (xx9761) of the Principal.

Although Respondent lacked exclusive authority over and access, she nevertheless in this accounting has accounted for all transactions (regardless of whether she was involved) of the following accounts from 7/17/13 -12/16/15:

- a. Checking xx3941, Money Market Savings xx3966, and Money Market Savings xx4334 titled in the names of the Principal and the Respondent, and opened 7/17/13 by the Principal assisted by his brother **RICHARD DOYLE**
- b. Savings xx9761, titled in the Principal's name, opened 1/8/15 on the initiate of **JOHN DOYLE**. Later, Respondent's name was added as attorney-in-fact.
- c. Checking xx3624, titled in the names of **THOMAS BORCHARDT, CPA**, and Respondent in trust for the Principal, opened on 1/12/15.

All bank statements were regularly given to Petitioner DeeAnn Summers. January 2015 and after were delivered by Respondent to Principal's accountant, **THOMAS BORCHARDT, CPA**, and on information and believe, copies were provided to Ms. Summers.

**SEE ADDITIONAL PAGES**

**Sale of residence:** Respondent states about March 2014, the Principal hired real estate agent Alexis Savaros to sell his house on Robinwood Lane in Fresno. Respondent as attorney-in-fact oversaw the sale of the home. Net proceeds of \$120,600.25 were deposited into the trust account xx5779 on 4/18/14.

**Compensation and reimbursements paid to Respondent:** Respondent kept meticulous records of the services she performed for her father as a caregiver and attorney-in-fact for 2009-2015 including mileage and expenses. See petition for details. On 10/23/13, the Principal and Respondent entered into a "Personal Care Contract" under which Respondent was to receive \$20/hr plus reimbursement for expenses for her services to the Principal. On information and belief, the Principal paid **DEEANN SUMMERS** \$1,460 for the months of May through October 2012 for helping him pay bills. She provided no other caregiving services.

About 5/30/14, the Principal paid Respondent \$26,167 and about 7/28/14, reimbursed Respondent \$10,409 for October 2009 through May 2014.

About 11/17/14, the Principal paid Respondent \$73,895 (recomputed to reverse all commuting mileage and babysitting expenses) for her caregiver services, and on 12/22/14 an additional \$3,207.98.

**The gross amount paid to Respondent was \$113,678.98. On information and belief, after Respondent was paid the \$73,895 for her services, TOM BORCHARDT and RICHARD DOYLE paid from the Principal's trust \$61,924 each to Petitioners DEEANN SUMMERS and JOHN DOYLE, even though they had provided no services to the Principal.**

**About 2/20/15, Respondent returned \$33,641 to the Principal's account, so her net compensation and reimbursements was \$80,037.98, itemized at Exhibit G.**

**Sale of car:** The Principal sold his 2003 Honda Accord Coupe "as is" to Respondent's husband for \$4,000 on 11/9/13, \$1,000 down and \$100/month for 36 months. The car had body damage.

**Cashier's checks:** After learning that Petitioner DeeAnn Summers was visiting the Principal at Orchard Park with a notary public on 1/3/15 and on the advice of the Principal's attorney Philip Flanagan, who was concerned that Ms. Summers was attempting to take control of the Principal's accounts, Respondent purchased cashier's checks to substantially deplete accounts #3996, #3941, and #4334. The checks were deposited three days later in the same accounts from which they were purchased. Two days later, these accounts were substantially depleted by transfers assisted by Petitioner John Doyle to account #9761.

**Request for Respondent's Attorneys' Fees:** Respondent has retained Baker Manock & Jensen to assist her in the preparation of this account and report. She is entitled to reimbursement of her attorneys' fees under Probate Code §4204.

**SEE ADDITIONAL PAGES**

**Respondent requests this Court to order that:**

1. The account and report of Respondent as attorney-in-fact be settled, allowed, and approved as filed;
2. All acts and proceedings of Respondent as attorney-in-fact be confirmed and approved;
3. The conservator of the estate pay Baker Manock & Jensen PC attorneys' fees for assisting Respondent in the preparation and presentation of this account and report, in amount to be set by this Court upon proof; and
4. For further orders as the Court deems necessary.

**Declaration of Jeffrey A. Jaech in Support of Attorneys' Fees filed 3/4/16 requests fees of \$18,363.00** for 33.6 attorney hours @ \$395-415/hr and 30.3 paralegal hours @ \$150/hr, as itemized at Exhibit A, and costs of \$675.25, consisting of \$435.00 filing fee and \$675.25 in copies. Declaration states Respondent emailed and faxed all statements and documentation, and attorneys had to print documents to review for accounting.

**Examiner's Note:** Pursuant to Local Rule 7.17, the Court considers photocopy expenses to be a cost of doing business and not reimbursable.

**Supplement to Account and Report of Attorney-In-Fact filed 3/4/16** provides additional detail about various accounts mentioned in the accounting, and describes additional payments made to Jeff Fishinghawk and Respondent.

**Note:** Objection was filed 3/22/16 by DeeAnn Doyle Summers and John Doyle. See additional pages.

**Note:** Declaration of Christina Fishinghawk Substantiating her Fees and Expenses Servicing her Father as his Attorney-In-Fact was filed 4/20/16, along with a Response to the Objection and Memorandum of Points and Authorities. See additional pages.

**SEE ADDITIONAL PAGES**

**Objection filed 3/22/16 by DeeAnn Doyle Summers and John Doyle includes objections to:**

1. Scope of account and report: Ms. Fishinghawk agreed to account and report all of her activities as agent and attorney-in-fact for her father, and specifically volunteered to provide an account commencing 1/1/09, thus admitting she was acting as his agent as early as then, even though the DPOA was not executed until 11/29/12. Objectors therefore request that she provide a full and complete account and report of her activities as her father's agent dating back to 1/1/09. (Emphasis in original.)
2. Sale of vehicle to Jeff Fishinghawk: The account reports that Mr. Doyle sold his vehicle to Jeff Fishinghawk on 11/9/13 for \$4,000, \$1,000 down and the balance in \$100 monthly payments for 36 months. However, the accounting does not reflect the down payment and shows two separate \$100 monthly payments on 9/6/13, two months before the purported sale. Further, no payments were collected between April 2014 and May 2015. Objectors state Ms. Fishinghawk should be surcharged for failing to collect the down payment and monthly payments, a total of \$2,400.
3. Book sale proceeds: The account includes two entries for "cash" for "book sale proceeds of \$1,215 each on 4/18/14. Objectors believe these are duplicate entries and the account should be amended to correct the error.
4. Interest income receipts: Schedule B Receipts includes two entries from "Bank of America" for "interest #4334" of \$4.66 each on 1/8/15. Objectors believe these are duplicate entries and the account should be amended to correct the error.
5. Pacific Life Income: Schedule B Receipts shows income from Pacific Life in the amount of \$25,231.22 on 12/16/14, but no explanation of the receipt is provided. Ms. Fishinghawk should be ordered to explain the nature of this receipt.
6. Transfer from Schwab SEP IRA Account: Receipt on 8/13/15 from an IRA in the amount of \$62,384.68 without explanation, e.g., whether this was a required distribution. Ms. Fishinghawk should be ordered to explain the nature and reason for the withdrawal from the IRA.
7. Car Repair on 10/8/14 for \$1,200. Mr. Doyle did not own a car, having purportedly sold his vehicle to Ms. Fishinghawk's husband in 2013. Objectors believe this disbursement was inappropriate and Ms. Fishinghawk should be surcharged this amount.
8. AT&T: Ms. Fishinghawk disbursed the sum of \$76.76 on 1/5/15 for "telephone services for principal. This appears to be the only entry of its type. Objectors believe this payment was not for Mr. Doyle and that Ms. Fishinghawk should be charged this amount.

**SEE ADDITIONAL PAGES**

## 16 The General Durable Power of Attorney of A. James Doyle, Jr.

Case No. 15CEPR01071

### Page 6 – Objection (Cont'd)

9. Disbursement of \$362,283.37 to #6146: No explanation of this account is provided nor is basis for the transfers explained. Objectors request the Court order Ms. Fishinghawk to identify Account #6146 and explain the nature of the transfers.
10. Disbursements/Transfers from #3941: Ms. Fishinghawk reports two \$25,000 disbursements on 7/22/13 from #3941 characterized as transfers between accounts. She reports a transfer of \$25,000 from #3941 to #4334 and another to #5775, described as a "trust account." However, Schedule B Receipts does not reflect either of these transfers. It does show a \$25,000 transfer on 7/22/13, but it is a transfer from #5779 to #4334. There is no receipt showing transfer from #3941 to #4334. Objectors request the Court order Ms. Fishinghawk to amend the account to explain what happened to the two \$25,000 disbursements from #3941, or surcharge of \$25,000.
11. Entry to Balance: Objectors believe the accounting does not balance, hence an "entry to balance" of \$1,070.66. There being no explanation for the missing amount, Objectors request surcharge.
12. Transfers from Wells Fargo accounts: No explanation of the Wells Fargo accounts is provided. Objectors request Ms. Fishinghawk amend to include all Wells Fargo accounts she had access to between 1/1/09 and 12/10/15.
13. Payments to Jeff Fishinghawk: In her supplement, Ms. Fishinghawk states her husband received compensation for "odd jobs" and received \$2,000 to help prepare the residence for sale. None of these disbursements are reflected in the accounting. Objectors request the Court order Ms. Fishinghawk to amend the accounting to include all payments to Jeff Fishinghawk for services he allegedly provided to Mr. Doyle.
14. Schwab Accounts: Also in her supplement, Ms. Fishinghawk admits that she was a cosigner on two Schwab accounts belonging to the trust, and that funds in the accounts were transferred to "Schwab account #9191" and the securities were transferred to "another Schwab account" that she does not identify but thinks may have been another trust account. She states she believes account #9191 belongs to Mr. Doyle's brother Richard Doyle. These explanations are vague and inadequate.
15. Disbursement to Jarco Trucks: Objectors request the Court order Ms. Fishinghawk to provide additional information regarding the disbursement she facilitated on 10/26/11 for \$143,156.64 to Jarco Trucks.
16. Further, Ms. Fishinghawk states the \$143,156.64 disbursement came from Wells Fargo Account #2148, which was closed on 2/17/12, balance transferred to WF #7666, but Ms. Fishinghawk does not identify the owner of #7666 nor the amount transferred thereto.

**SEE ADDITIONAL PAGES**

**Page 7 – Objection (Cont'd)**

17. Compensation paid to Ms. Fishinghawk: Objectors object to compensation of \$113,678.98 for purported caregiver services, reimbursement of expenses and mileage, without description of hours, services, expenses, mileage log, to substantiate. Objectors object to her reliance on the "personal care contract," as Objectors believe that Mr. Doyle was suffering from Alzheimer's disease and was unduly influenced by Ms. Fishinghawk to sign the agreement and it is therefore invalid.
18. Attorney fees: Objectors object to payment of Ms. Fishinghawk's attorney's fees and costs from Mr. Doyle's trust or conservatorship estate. § 4204 provides that an attorney in fact is entitled to reimbursement for reasonable expenses incurred as a result of acting as such, but Ms. Fishinghawk has not established a) that she has paid Baker Manock & Jensen any fees or costs and is entitled to reimbursement, or 2) that she in fact acted for the benefit of the principal. On the contrary, she paid herself over \$113,000 for services and expenses for which no support is provided, facilitated a payment of \$143,156.64 to purchase a truck for an unidentified person, and the account shows transfers of substantial sums and securities to additional unknown or unidentified accounts.

Objectors believe that upon gaining access to Mr. Doyle's individual and trust accounts, she paid herself substantial sums, gave his car to her husband, who did not make consistent payments, disbursed over \$143,000 to purchase a truck for an unidentified individual, and transferred other sums. Objectors believe the Court should sustain the objections and order Ms. Fishinghawk to amend it, surcharge her for any and all disbursements that she cannot establish were for the benefit of her father, in an amount according to proof.

**Objectors request the Court issue an order as follows:**

1. Denying approval of the account, report, and supplement;
2. Denying approval of Ms. Fishinghawk's acts and proceedings as attorney-in-fact;
3. Requiring Ms. Fishinghawk to submit an amended account addressing each objection;
4. Requiring Ms. Fishinghawk to amend to include all bank accounts on which she was a co-owner or co-signor with her father, including all accounts identified in the Supplement.
5. Denying Ms. Fishinghawk's request for payment of attorney's fees and costs from the trust or conservatorship estate; and
6. Granting any and all relief the Court deems just and proper.

**SEE ADDITIONAL PAGES**

**Declaration of Christina Fishinghawk Substantiating her Fees and Expenses Servicing her Father as his Attorney-In-Fact filed 4/20/16 states** A. James Doyle appointed her as his attorney-in-fact on 11/29/12; however, she did not start acting as his attorney-in-fact until 7/17/13. Before and after her appointment, she was his caregiver and kept meticulous records regarding services performed and time spent. See Exhibit A – time records from 10/20/09 through 12/31/15 and description of services in Declaration.

Ms. Fishinghawk states she paid over \$1,300 in attorney's fees and costs to her attorney Nancy LeVan, which was incurred to respond to the petition filed herein, and requests reimbursement for these expenses. See Exhibit B – billing statements.

**Response to Objection filed 4/20/16 responds to each objection noted above and states she believes Objectors' allegations against her are motivated by their malice towards her.** See Response for individual details. Ms. Fishinghawk states In December 2014, Objector John Doyle asked Ms. Fishinghawk to facilitate a \$100,000 loan from the Principal to him. Ms. Fishinghawk declined to do so, and referred him to the trustees of the Principal's trust. Soon afterwards, Objector instigated the transfer of about \$357,000 from the Principal's bank accounts to Bank of America xx9761 and began the attacks of her. (In his verified petition for a temporary conservator, he falsely alleged that Ms. Fishinghawk had moved \$357,000 and then "withdrew" \$340,000 to whereabouts unknown, when in fact he knew that she had not moved the \$357,000 nor personally taken the \$340,000.) See Exhibit J – emails from Objectors that illustrate their malice towards Ms. Fishinghawk.

Ms. Fishinghawk states she has incurred attorney fees of \$19,038.25 through 2/20/16 as shown in Declaration of Jeffrey A. Jaech filed 3/4/16 and additionally incurred attorney fees of \$3,848.92 with her prior attorney, Nancy LeVan. Thus, Ms. Fishinghawk is entitled to payment of \$22,887.17 under §4204.

Ms. Fishinghawk states the Principal now resides in the memory care facility at Orchard Park, where she visits him about four times per week. She has observed that he is not being properly cared for there, and his physician agrees. The facility appears understaffed and staff does not keep his room clean. They are not treating his eye infections. There is no indication that Richard Doyle, successor agent under advance health care directive) or the Public Guardian has inspected the facility or is otherwise monitoring care. The principal should be moved to a better facility. Ms. Fishinghawk requests she be reinstated as principal under agent under advance health care directive to she has authority to remedy this.

**See also Respondent's Memorandum of Points and Authorities in Support of Respondent's Motion in Opposition of Petitioners' Request for Attorney's Fees and Costs.**



**17 The A. James Doyle, Jr., Trust Dated April 19, 2004, Case No. 15CEPR01158  
as amended and restated on May 14, 2014**

**Attorney Flanigan, Philip M. (for Trustees Thomas Borchardt and Richard Doyle)**

**Affidavits of Thomas Borchardt and Richard Doyle in Support of Accounting**

		<b>THOMAS BORTCHARDT and RICHARD DOYLE,</b> Trustees, are Petitioners and submit this accounting for their activities as Trustees of the James Doyle Living Trust ( <i>sic</i> ) and as agents under A. James Doyle's Durable Power of Attorney.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Note: The following three matters are related:</b> <b>Page 15: 15CEPR01070</b> <b>(Conservatorship)</b> <b>Page 16: 15CEPR01071 (DPOA)</b> <b>Page 17: 15CEPR01158 (Trust)</b>  <b>Note: Petition to Approve First and Final Account of Thomas Borchardt and Richard Doyle in their capacity as attorney in fact filed 4/27/16 in 15CEPR01071 is set for hearing on 6/8/16.</b>  <b>Note: Although this accounting is presented in the form of "Affidavits" by the co-trustees, pursuant to Probate Code §1064(b), the filing of an account shall be deemed to include a petition requesting its approval.</b>
	<b>Aff.Sub.Wit.</b>		
✓	<b>Verified</b>		
	<b>Inventory</b>		
	<b>PTC</b>		
	<b>Not.Cred.</b>		
✓	<b>Notice of Hrg</b>		
✓	<b>Aff.Mail</b>	W/O	
	<b>Aff.Pub.</b>		
	<b>Sp.Ntc.</b>		
	<b>Pers.Serv.</b>		
	<b>Conf. Screen</b>		
	<b>Letters</b>		
	<b>Duties/Supp</b>		
	<b>Objections</b>		
	<b>Video Receipt</b>		
	<b>CI Report</b>		
	<b>9202</b>		
	<b>Order</b>	X	<p>As for the accounting as agent under the Durable Power of Attorney, this was used only to: 1) open and inventory Mr. Doyle's safe deposit box at Bank of America xx3624; 2) close Mr. Doyle's Bank of America account and transfer funds to an account at Bank of America in the name of the trust xx6416; and to deposit a check received from John Doyle from Wells Fargo xx9791 and deposit the funds into Charles Schwab xx9191. Those activities are accounted for in the accounting submitted herewith. While there may have been other activity on the accounts, all such activity was as a result of the conduct of someone other than Petitioners. Other than as noted above, they performed absolutely no other activities utilizing the Durable Power of Attorney.</p> <p>As for the trust accounting, as of the date Petitioners became co-trustees on 5/14/14, the only assets titled in the name of the trust were two Charles Schwab accounts xx1458 and xx5623, which were then consolidated into one account in the name of the trust, xx9191. On or about 2/5/15, Bank of America xx3624 was closed and the funds transferred into the trust account xx6146, as reflected in the accounting.</p>
	<b>Aff. Posting</b>		
	<b>Status Rpt</b>		
	<b>UCCJEA</b>		
	<b>Citation</b>		
	<b>FTB Notice</b>		
			<p><b>1. Need clarification: Petitioner provides both a carry value and a separate estimated market value for the beginning assets on hand as of 5/14/14; however, since this is the first account, the market value as of the beginning account period date should be the carry value for this and future accounts. See Probate Code §1063(a). Need clarification as to where the carry values originated, and why the market values as of the beginning account period date of 5/14/14 were not used as the carry values.</b></p>
			<b>Reviewed by: skc</b>
			<b>Reviewed on: 5/2/16</b>
			<b>Updates:</b>
			<b>Recommendation:</b>
			<b>File 17- Doyle</b>

**Probate Status Hearing RE: Filing of the Inventory and Appraisal**

<b>DOD: 10/13/15</b>			<b>CHRISTOPHER JAMES GARRETT</b> , Son, was appointed Administrator with Full IAEA without bond on 1/6/16 and Letters issued 1/8/16.  At the hearing on 1/6/16, the Court set this status hearing for the filing of the Inventory and Appraisal.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>2. Need Inventory and Appraisal per Probate Code §8800 or written status report per Local Rule 7.5.</b>
	<b>Aff.Sub.Wit.</b>			
	<b>Verified</b>			
	<b>Inventory</b>			
	<b>PTC</b>			
	<b>Not.Cred.</b>			
	<b>Notice of Hrg</b>			
	<b>Aff.Mail</b>			
	<b>Aff.Pub.</b>			
	<b>Sp.Ntc.</b>			
	<b>Pers.Serv.</b>			
	<b>Conf. Screen</b>			
	<b>Letters</b>			
	<b>Duties/Supp</b>			
	<b>Objections</b>			
	<b>Video Receipt</b>			
	<b>CI Report</b>			
	<b>9202</b>			
	<b>Order</b>			
	<b>Aff. Posting</b>			
	<b>Status Rpt</b>			
	<b>UCCJEA</b>			
	<b>Citation</b>			
	<b>FTB Notice</b>			
<b>Reviewed by:</b> skc				
<b>Reviewed on:</b> 5/2/16				
<b>Updates:</b>				
<b>Recommendation:</b>				
<b>File 18- Garrett</b>				

**19 The Thomas J. Zumwalt and Mary Diane Zumwalt Revocable Family Trust**  
**Dated October 26, 2001** **Case No. 15CEPR01175**  
**Attorney: Gary G. Bagdasarian (for Petitioner Mary Diane Zumwalt)**

**Petition to Terminate Trust**

		<b>MARY DIANE ZUMWALT</b> , sole Trustee of the Thomas J. Zumwalt and Mary Diane Zumwalt Revocable Family Trust, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Continued from 3/8/16</b> wherein the Court to the matter under submission.  <b>Order on Petition to Terminate Trust [Vacating submission and providing for resubmission pursuant to Cal. Rules of Court, Rule 2.900, subd. (b)] filed on 4/14/16.</b> The court issued this interim order requiring Petitioner to: 1) lodge the original Trust document with the court, for <i>in camera</i> inspection; and 2) file a declaration establishing the transfer of assets to the Trust and setting forth Petitioner's contention as to the nature of the Trust assets and support therefor. The court placed the matter back on calendar for the limited purpose of allowing Petitioner to comply with the order, and any additional oral arguments, after which the court will again take the matter under submission for a final ruling on the Petition. If more time is needed by petitioner to comply with the court's order herein, petitioner may submit an ex parte petition requesting the same.
<b>Cont. from 011916, 020216, 030816</b>		<b>Petitioner states</b> THOMAS J. ZUMWALT and MARY DIANE ZUMWALT, husband and wife, entered into that certain Thomas J. Zumwalt and Mary Diane Zumwalt Revocable Family Trust dated October 26, 2001.	
	<b>Aff.Sub.Wit.</b>		
✓	<b>Verified</b>		
	<b>Inventory</b>		
	<b>PTC</b>		
	<b>Not.Cred.</b>		
✓	<b>Notice of Hrg</b>		
✓	<b>Aff.Mail</b>	W/	
	<b>Aff.Pub.</b>		
	<b>Sp.Ntc.</b>		
	<b>Pers.Serv.</b>		
	<b>Conf. Screen</b>		
	<b>Letters</b>		
	<b>Duties/Supp</b>		
	<b>Objections</b>		
	<b>Video Receipt</b>		
	<b>CI Report</b>		
	<b>9202</b>		
✓	<b>Order</b>		
	<b>Aff. Posting</b>		
	<b>Status Rpt</b>		
	<b>UCCJEA</b>		
	<b>Citation</b>		
	<b>FTB Notice</b>		
		Thomas J. Zumwalt died on 8/6/15. Thereinafter Mary Diane Zumwalt became the sole Trustee.	
		Section 303 of the Trust provides that "The Trustee shall hold, administer and distribute all Trust assets for the benefit of the surviving spouse, both as to income and principal unless otherwise herein provided." Consequently, no Irrevocable Trust was directed to be created and the Trust remained Revocable as reflected in its name.	
		The Trust provides that upon the death of the surviving Trustor, Petitioner herein, the Trust shall terminate and the assets divide in four equal shares to the following beneficiaries: Thomas Zumwalt, Timothy Zumwalt, Robert Zumwalt and Daniel H. Zumwalt.	
		Although the Trust does not provide specifically that the surviving spouse, Petitioner herein, Mary Zumwalt, retains the power to revoke, the title of the Trust is the Revocable Family Trust and there is no specific language requiring the creation of an Irrevocable Trust.	
		<b>Please see additional page</b>	
			<b>Reviewed by:</b> KT
			<b>Reviewed on:</b> 4/29/16
			<b>Updates:</b>
			<b>Recommendation:</b>
			<b>File 19- Zumwalt</b>

**19 The Thomas J. Zumwalt and Mary Diane Zumwalt Revocable Family Trust**  
**Dated October 26, 2001 Case No. 15CEPR01175**

**Wherefore, Mary Diane Zumwalt, prays for a Court Order as follows:**

1. The Thomas J. Zumwalt and Mary Diane Zumwalt Revocable Family Trust dated October 26, 2001 is terminated in its entirety;
2. All assets of the Thomas J. Zumwalt and Mary Diane Zumwalt Revocable Family Trust dated October 26, 2001 be distributed to Mary Diane Zumwalt.

**Declaration of Gary Bagdasarian filed on 1/28/16 states** all of the assets of the Trust were the community property of the Settlor, Thomas J. Zumwalt and Mary Diane Zumwalt.

All of the assets were community property, pursuant to Family Code §761 Mary Diane Zumwalt, the sole surviving settlor, acting alone, has the power to revoke the Trust as to community property.

**NEEDS/PROBLEMS/COMMENTS:**

1. Probate Code §15401(b)(1) states "Unless otherwise provided in the instrument, if a trust is created by more than one settlor, each settlor may revoke the trust as to the portion of the trust contributed by that settlor, except as provided in Section 761 of the Family Code." Section 761 of the Family Code gives either settlor acting alone the power to revoke as to community property. Under the commentary for Probate Code §15401 it states "A husband and wife created a trust with community property which expressly allowed revocation "at any time during the lifetime of either Trustor." After the wife died, the husband revoked the trust. This was effective only as to his half of the trust corpus because upon the wife's death the community interests were converted into separate property, one half of which belongs to the wife. *In re: Estate of Powell*, 83 Cal.App.4<sup>th</sup> 1434, 100 Cal.Rptr.2d 501 (3d Dist. 2000).

Probate Code §100 provides: "Upon the death of a married person, one-half of the community property belongs to the surviving spouse and the other half belongs to the decedent.

**Declaration of Gary Bagdasarian filed on 3/4/16** states while Probate Code §100 provides that upon the death of a married person, one-half of the community property belongs to the surviving spouse and the other half belongs to the decedent. As indicated in the case of *In re: Estate of Powell*, 83 Cal.App.4<sup>th</sup> 1434, 100 Cal.Rptr.2d 501 (3d Dist. 2000), a 1991 Trust permitted "revocation during a lifetime of either trustor." The Court goes on to say "thus, to the extent William and Myrtle retained reversionary property in the in the trust assets during Myrtles lifetime by virtue of the right of revocation provided in the trust , those property interest were transmuted from community to separate upon Myrtle's death." In the instant case, there was no reversionary property interest in trust assets because there was no "right of revocation provided in the trust." Consequently, the property interest were not transmuted from community property to separate property upon the death of Thomas J. Zumwalt and remained community property. Therefore Mary Diane Zumwalt has the power to revoke the entire trust composed of community property.

**Ex Parte Application to Have Monies obtained From Trust Accounts Treated as Assets of the Probate Estate**

<b>DOD: 6/16/15</b>		<p><b>RICHARD D. WHEATLEY, SR.,</b> Nephew and Administrator with Full IAEA without bond, is Petitioner. (Administrator is a resident of San Antonio, TX.)</p> <p><b>Background:</b> Petitioner was granted additional authority pursuant to Order dated 2/1/16 including authority to marshal certain bank accounts at EECU and Bank of America titled in the name of "Van Hoosan Family Trust" or Mary Van Hoosan Trustee of the Van Hoosan Family Trust" (the "trust accounts"), and obtain any and all trust documents held by the banks. Order states upon receipt, Petitioner shall file an ex parte petition with the court to either have the monies transferred to the successor trustee under the terms of the trust, or treated as assets of the probate estate based on the insufficiency of trust documents provided.</p> <p><b>Inventory and Appraisal filed 2/29/16</b> reflects a total estate value of \$367,710.97 cash/accounts, including the accounts referenced above.</p> <p>Petitioner filed this this Ex Parte Application to Have Monies Obtained from Trust Accounts Treated as Assets of the Probate Estate on 4/6/16. On 4/7/16, the Court set the matter for noticed hearing with notice to all interested parties.</p> <p><b>Petitioner states</b> he took possession of the monies held in the trust accounts at EECU and Bank of America and has deposited them into a separate estate account. He contacted both institutions to request any and all trust documents in their possession pertaining to the decedent as trustee and/or the trust. Neither EECU nor Bank of America had any trust documents in their possession.</p> <p><b>Petitioner prays for an order that monies received from the trust accounts held in the name of either the Van Hoosan Family Trust or Mary Van Hoosan Trustee of the Van Hoosan Family Trust be treated as assets of the probate estate based on the fact no trust documents have been found or discovered.</b></p>	<p><b>NEEDS/PROBLEMS/ COMMENTS:</b></p> <p>1. The Court may require information about any other diligence performed with regard to the trust, other than asking the banks if they have trust documents. Possible inquiry might include asking the care home where the decedent resided prior to her death, or researching her predeceased husband's family.</p>
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>		
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>		
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>		
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input type="checkbox"/>	<b>Letters</b>		
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		

<b>Reviewed by:</b> skc
<b>Reviewed on:</b> 5/2/16
<b>Updates:</b>
<b>Recommendation:</b>
File 20- Van Hoosan

## Petition for Appointment of Probate Conservator of the Person and Estate

See petition for details.			NEEDS/PROBLEMS/COMMENTS:
			<u>Note:</u> Page 21 and 23 are related matters.
			<u>Court Investigator advised rights on 2/9/16, 4/28/16.</u>
Cont. from 021816			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	W	
	Aff.Pub.		
	Sp.Ntc.		
✓	Pers.Serv.	W	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
✓	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
✓	Citation		
	FTB Notice		
			1. The Court Investigator's report states that although Petitioner does not request medical consent powers under Probate Code §2355, she does hope to make medical decisions for her father. Because the petition was served on him without this request, amendment and further service may be required.
			2. If medical consent powers under Probate Code §2355 are requested, need Capacity Declaration (GC-335) pursuant to Probate Code §§ 1881, 1890.
			3. Need clarification regarding the proposed conservatee's income for bond purposes.
			<u>Note:</u> If granted, the Court will set status hearings as follows:
			<ul style="list-style-type: none"> <li>• Thursday, June 16, 2016 for the filing of bond, if required</li> <li>• Thursday, September 8, 2016 for the filing of the Inventory and Appraisal</li> <li>• Thursday, July 6, 2017 for the filing of the first account</li> </ul>
			Reviewed by: skc
			Reviewed on: 4/29/16
			Updates: 5/2/16
			Recommendation:
			File 21- Pineda

Petitioner Howell, Calvin John, Sr. (Pro Per – Father – Petitioner)

Petitioner Howell, Alvena (Pro Per – Mother – Petitioner)

Petition for Appointment of Probate Conservator of the Person

		See petition for details.	NEEDS/PROBLEMS/COMMENTS:
Cont. from 021816, 032416			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	w/o	
	Aff.Pub.		
	Sp.Ntc.		
✓	Pers.Serv.	w	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
✓	Video Receipt		
✓	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
✓	Citation		
	FTB Notice		
			<p><u>Court Investigator advised rights on 2/9/16</u></p> <p>Continued from 2/18/16, 3/24/16.</p> <p>The following issues remain:</p> <ol style="list-style-type: none"> <li>1. The petition does not request medical consent powers under Probate Code §2355; however, the Court Investigator's report indicates that Petitioners wish to request these powers, and Petitioners have now filed a Capacity Declaration that supports medical consent powers.</li> <li>2. Citation filed 4/19/16 indicates personal service on the proposed Conservatee on 4/18/16 for the original hearing date of 2/18/16, which date was already in the past at service. The Court may require continuance and further personal service of Citation with the future date on the proposed Conservatee Jalexis Howell.</li> <li>3. Notice of Hearing filed 4/19/16 does not indicate that a copy of the petition was served along with the notice. (#5 on Page 2, Proof of Service, is not checked.) The Court may require clarification. If a copy of the petition was not included in the service, further service may be required.</li> <li>4. Notice of Hearing filed 4/19/16 includes service on CVRC on 4/15/16, also without a copy of the petition as noted above. However, CVRC is required to be given 30 days' notice per Probate Code §1822(e). The Court may require continuance and further service if a copy of the petition was not included.</li> </ol> <p>The Court may require amended petition and/or additional service to ensure that this request is included with the service on the proposed Conservatee and all relatives.</p>
			Reviewed by: skc
			Reviewed on: 4/29/16
			Updates:
			Recommendation:
			File 22- Howell

Petitioner

Pineda, Raquel (Pro Per – Daughter – Petitioner)

Attorney

Horton, Lisa (Court-appointed attorney for Proposed Conservatee)

## Petition for Appointment of Probate Conservator of the Person and Estate

See petition for details.			NEEDS/PROBLEMS/COMMENTS:
			<b>Note:</b> Page 21 and 23 are related matters.
			<u>Court Investigator advised rights on 2/9/16.</u>
			<u>Minute Order 3/24/16:</u> Ms. Pineda requests to purchase her parents' vehicle. The Court requires more information about the vehicle before the request will be considered.
			<b>Note:</b> Petitioner filed a Declaration regarding the vehicle on 4/14/16.
			The following issues remain regarding this petition:
			<u>SEE PAGE 2.</u>
			Reviewed by: skc
			Reviewed on: 4/29/16
			Updates:
			Recommendation:
			File 23- Pineda

Cont. from 021816, 032416		
	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
✓	Notice of Hrg	
✓	Aff.Mail	W
	Aff.Pub.	
	Sp.Ntc.	
✓	Pers.Serv.	W
✓	Conf. Screen	
✓	Letters	
✓	Duties/Supp	
	Objections	
✓	Video Receipt	
✓	CI Report	
	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
✓	Citation	
	FTB Notice	



Page 2

**NEEDS/PROBLEMS/COMMENTS:**

4. **The Capacity Declaration filed 4/1/16 contains the following defects:**
  - a. Dr. Guzman did not complete #3 as to whether he is a physician or psychologist.
  - b. Dr. Guzman did not complete #4a as to when he last saw the proposed Conservatee.
  - c. Dr. Guzman did not complete #4b as to whether the proposed Conservatee is or is not a patient under his continuing treatment.
  - d. Dr. Guzman did not complete #5 as to the proposed conservatee's ability to attend the hearing.
  - e. The Dementia Attachment at Page 4 (GC-335A) is not completed.
  - f. The Dementia Attachment at Page 4 appears to be signed by a different doctor than completed the rest of the form. If a different doctor is completing the Dementia Attachment, need all of the general information required at #1-4 of Page 1 of the Capacity Declaration, including office address, licensure, and patient information.
5. **Need clarification regarding the proposed conservatee's income for bond purposes.**

**Note:** If granted, the Court will set status hearings as follows:

- **Thursday, June 16, 2016 for the filing of bond, if required**
- **Thursday, September 8, 2016 for the filing of the Inventory and Appraisal**
- **Thursday, July 6, 2017 for the filing of the first account**

Petitioner: Julia Ann Robles (pro per)

## Petition for Appointment of Guardian of the Person

<b>TEMPORARY EXPIRES 5/5/16</b>			<b>NEEDS/PROBLEMS/COMMENTS:</b>
<p><b>JULIA ANN ROBLES</b>, paternal grandmother, is petitioner.</p> <p>Please see petition for details.</p> <p><b>Court Investigator Report filed on 3/10/16.</b></p>			
<b>Cont. from 031716</b>			<p><b>Minute order dated 3/17/16 states</b> the Court notes that objections have not been filed; Connie Burriel, mother, requests an additional continuance to obtain counsel. The Court admonishes that this will be the last continuance for this request. The Court orders that the minors are not to be removed from the state for any reason without a court order. <b>As of 4/29/16 the objections have not been filed.</b></p>
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input checked="" type="checkbox"/>	Pers.Serv.	W/	
<input checked="" type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input checked="" type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input checked="" type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			<b>Reviewed by: KT</b>
			<b>Reviewed on: 4/29/16</b>
			<b>Updates:</b>
			<b>Recommendation:</b>
			<b>File 24- Rubio</b>

**Petition to Determine Succession to Real Property**

<b>DOD: 10/12/2013</b>	<b>LOGAN SHARE KINGHAM</b> , great nephew and named beneficiary is petitioner	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Minute order dated 3/17/2016 states examiner notes were provided in open court.</b>  1. Need <i>Notice of Hearing</i> . 2. Need proof of service of <i>Notice of Hearing</i> with at least 15 days notice on all parties listed in Item 14 of petition: a. Nora Carlton b. Jessie Smith c. Sheena Kingham 3. The inventory and appraisal filed 2/8/2016 is incomplete. Property listed must be appraised by the Probate Referee. 4. Items 6a,b and 7 of petition are incomplete re: if there are any other proceedings in California or another jurisdiction. 5. Parties listed on item 14 of petition do not list their relationship to decedent. 6. Item 9a(3) of petition not checked re: if decedent is survived by issue of a predeceased child. 7. Item 9a(a) of petition lists a deceased spouse. Need date of death of deceased spouse pursuant to Local Rule 7.1.1D.
<b>Cont. from 031716</b>	40 days since DOD	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	Will dated 3/13/2008	
<input checked="" type="checkbox"/> <b>Verified</b>		
<input type="checkbox"/> <b>Inventory</b>	I & A - need	
<input type="checkbox"/> <b>PTC</b>		
<input type="checkbox"/> <b>Not.Cred.</b>		
<input type="checkbox"/> <b>Notice of Hrg</b>	x <b>Will dated 3/13/2008</b> devises the entire estate to the Petitioner Logan Shane Kingham.	
<input type="checkbox"/> <b>Aff.Mail</b>	x	
<input type="checkbox"/> <b>Aff.Pub.</b>		
<input type="checkbox"/> <b>Sp.Ntc.</b>	<b>Petitioner requests</b> court	
<input type="checkbox"/> <b>Pers.Serv.</b>	determination that decedent's	
<input type="checkbox"/> <b>Conf. Screen</b>	100% interest in real property located at 4814 E. Cornell Avenue, Fresno CA and two automobiles pass to <b>Logan Share Kingham</b> pursuant to decedent's will.	
<input type="checkbox"/> <b>Letters</b>		
<input type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		
		<b>Reviewed by:</b> SEF
		<b>Reviewed on:</b> 4/29/16
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 25- Preston</b>

**Petition for Letters of Administration; Authorization to Administer  
Under IAEA**

<b>DOD: 12/13/2015</b>		<b>ANNA KRISTIN PENDERGRASS,</b> daughter, is petitioner and requests appointment as Administrator without bond  All heirs waive bond  Full IAEA – o.k.  Decedent died intestate  Residence: Kingsburg Publication: Kingsburg Recorder  <b>Estimated value of Estate:</b> Personal property                      \$216,000.00 Annual gross income:                \$            0.00 Real property:                            \$            0.00 <b>Total:                                        \$216,000.00</b>  <b>Probate Referee: Rick Smith</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <u>Note:</u> If granted, the Court will set status hearings as follows:  • <b>Tuesday, October 4, 2016</b> for filing Inventory and Appraisal  • <b>Tuesday, August 8, 2017</b> for filing the first account or petition for final distribution	
<b>Cont. from 032416</b>				
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>			s/p
<input checked="" type="checkbox"/>	<b>Verified</b>			
<input type="checkbox"/>	<b>Inventory</b>			
<input type="checkbox"/>	<b>PTC</b>			
<input type="checkbox"/>	<b>Not.Cred.</b>			
<input type="checkbox"/>	<b>Notice of Hrg</b>			
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>			w/
<input checked="" type="checkbox"/>	<b>Aff.Pub.</b>			
<input type="checkbox"/>	<b>Sp.Ntc.</b>			
<input type="checkbox"/>	<b>Pers.Serv.</b>			
<input type="checkbox"/>	<b>Conf. Screen</b>			
<input checked="" type="checkbox"/>	<b>Letters</b>			
<input checked="" type="checkbox"/>	<b>Duties/Supp</b>			
<input type="checkbox"/>	<b>Objections</b>			
<input type="checkbox"/>	<b>Video Receipt</b>			
<input type="checkbox"/>	<b>CI Report</b>			
<input type="checkbox"/>	<b>9202</b>			
<input checked="" type="checkbox"/>	<b>Order</b>			
<input type="checkbox"/>	<b>Aff. Posting</b>			
<input type="checkbox"/>	<b>Status Rpt</b>			
<input type="checkbox"/>	<b>UCCJEA</b>			
<input type="checkbox"/>	<b>Citation</b>			
<input type="checkbox"/>	<b>FTB Notice</b>			

Reviewed by: SEF

Reviewed on: 4/29/16

Updates: SUBMITTED

Recommendation:

File 27- Morgan

Petitioner: Timothy Paul Colfer (Pro per – Father)

## Petition for Appointment of Probate Conservator

		<p align="center"><b>NO TEMPORARY REQUESTED</b></p> <p><b>TIMOTHY PAUL COLFER</b> (father), is petitioner and requests appointment as conservator of the person.</p> <p><b>Court Investigator report filed 4/12/16.</b></p> <p><i>See petition for details.</i></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Court Investigator advised rights on 4/4/16.</b></p> <p>1. Need video viewing certificate</p>	
Cont. from 042116				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			w/
	Aff.Pub.			
	Sp.Ntc.			
✓	Pers.Serv.			w/
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			x
✓	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
✓	Citation			
	FTB Notice			
			Reviewed by: SEF	
			Reviewed on: 4/19/2016	
			Updates:	
			Recommendation:	
			File 28- Colfer	